IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1275 OF 2006

Purshottam G. Mourya
and Ors. ...Petitioners.

Versus

Municipal Corporation of
Greater Mumbai and Ors. ...Respondents.

....
Mr.Vinod Thaker Advocate for the Petitioners.
Mrs.A.K.Savla, Advocate for Respondent Nos.1 & 2.
....

CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JUNE 14, 2006.**

P.C.:

. Rule. Heard forthwith.

2. The respondent No.3 who were sought to be sued have been served, however, none present on their behalf. The grievance of the petitioners is that insofar as the premises occupied by them, the municipal dues have been duly paid as per the demands made by the corporation, but, however, the members of respondent No.3 who are in the commercial complex, have not done so. Respondent Nos.1 & 2 on failure to pay the dues, have passed

an order of attachment. Considering that there are municipal dues which are payable, we do not propose to interfere with the order of attachment. Only certain directions can be issued so that the persons who have paid their municipal dues, should not be affected. In the light of that, following directions :

1. Respondent Nos.1 & 2 to first proceed against the commercial establishments in respect of whom dues are payable. It is only after the sale of the establishments of defaulters in the commercial establishments, if the moneys are not recovered then respondent Nos.1 & 2 should move against the petitioners.

2. The attachment will continue as all dues are still outstanding.

3. Rule made absolute accordingly. However, there shall be no order as to costs.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]